

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-4, 6-8, 10, 19, 26, 33, 36, 38, 39, 45, 46, 65, 66, 71, 87, 88, and 102-106 were pending in the present patent application. By way of this submission, claim 10 has been cancelled without prejudice or disclaimer. Accordingly, claims 1-4, 6-8, 19, 26, 33, 36, 38, 39, 45, 46, 65, 66, 71, 87, 88, and 102-106 are now pending in the present patent application. Claims 1, 66, 71, 87, and 106 are independent. The remaining claims depend, either directly or indirectly, from claims 1, 66, 71, and 87.

Claim Amendments

By way of this submission, independent claim 1 has been amended to incorporate the subject matter of now-cancelled dependent claim 10. Independent claim 1 has also been amended to include the formal deletion markings that were inadvertently omitted in the response dated January 3, 2006. Also by way of this submission, claims 6 and 106 have been amended for clarification. Applicant respectfully asserts no new matter has been introduced by way of these amendments.

Drawings

Applicant respectfully requests the Examiner acknowledge the formal drawings filed on January 19, 2000 and indicate whether they are acceptable.

Information Disclosure Statement

Applicant asserts sheet 2 of the Information Disclosure Citation filed on August 22,

2000 has not been fully considered by the Examiner. The Examiner has not initialed references C1, C2, and C3. Applicant has enclosed a copy of both the partially initialed PTO-1449 sheet and the references (obtained from PAIR), and respectfully requests the Examiner acknowledge and consider these three references.

Claim Objections

The Examiner objects to claim 6 for being of improper dependent form for failing to further limit the subject matter of a previous claim. (*See*, Office Action dated December 1, 2006 at page 2). By way of this submission, claim 6 has been amended to depend from claim 1. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §112

Claim 106 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By way of this submission, claim 106 has been amended to clarify the word “value.” Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-4, 6-8, 10, 19, 26, 33, 36, 38, 39, 45, 65, 66, 71, 87, 88, and 102-105 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,823,264 (hereinafter “Deming”), in view of U.S. Patent No. 6,173,272 (hereinafter “Thomas”), and in further view of the article entitled “From electronic money to electronic cash: payment on the Net,” (hereinafter “Buck”). By way of this submission, claim 10 has been cancelled and thus the rejection is moot as to that claim. As for the remaining claims, for the reasons set forth below, this rejection is respectfully traversed.

Amended independent claim 1 recites, in part, “the host system contacting the receiver using the information provided by the sender, and informing the receiver that the sender is capable of initiating a transfer of funds to the receiver; the host system receiving from the receiver the designation of the target account for receiving the funds from the sender after the host system has contacted the receiver using the information provided by the sender.” Applicant respectfully asserts that even assuming the cited references are properly combinable, none of the cited references, whether viewed separately or in combination, teach or suggest at least these recited limitations.

Deming discloses an electronic funds transfer system. In the system disclosed by Deming, the electronic transfer of funds from a sender to a receiver is accomplished by the sender providing the receiver’s account information (RTN), and then the system using the receiver’s RTN and the Automated Clearing House (ACH) to credit the receiver’s account. (*See* Deming at column 2, line 45 to column 3, line 30). This squarely contradicts what is recited in amended independent claim 1. As discussed above, amended independent claim 1 requires the receiver’s target account information be provided by receiver after the receiver has been contacted using contact information provided by the sender. Accordingly, Deming does not teach or suggest this limitation. In fact, the Examiner admits Deming does not teach or suggest this limitation. (*See*, Office Action dated December 1, 2006 at page 4). Thus, Deming does not and cannot teach or suggest each and every limitation of amended independent claim 1.

Thompson discloses a funds transfer system which uses an intermediate trusted third party (TTP). The TTP is configured to receive a universal identifier number (UID) from the sender identifying the receiver. The TTP uses a central database and the UID to lookup the routing/transit number of the receiver’s bank and the receiver’s account number (*i.e.*, target

account) in order to transfer funds. (*See* Thompson at Abstract). Thus, in Thompson's system, like the case with Deming, the receiver is not contacted to obtain target account information after the sender has provided the receiver's contact information, as recited in the claims. In fact, Thompson requires the receiver account information be already known (*i.e.*, available in the central database) prior to the sender using the system, squarely contradicting what is recited in amended independent claim 1. Thus, Thompson neither teaches each and every limitation of amended independent claim 1 nor teaches what Deming lacks.

Peter discloses numerous payment mechanisms for commerce on the Internet. However, none of these payment mechanisms require the sender first provide the receiver's contact information so the receiver may then be contacted to obtain target account information as recited in amended independent claim 1. Thus, Peter neither teaches each and every limitation of amended independent claim 1 nor teaches what both Deming and Thompson lack.

In view of the above, Deming, Thompson, and Peter, whether viewed separately or in combination, do not teach or suggest each and every limitation of amended independent claim 1. Thus, amended independent claim 1 is patentable over Deming, Thompson, and Peter. Claims 2-4, 6-8, 19, 26, 33, 36, 38, 39, 45, 46, 65, and 102 depend, either directly or indirectly from amended independent claim 1 are allowable for at least the same reason.

The Examiner asserts independent claim 66 is rejected under the same rationale as claim 1. (*See* Office Action dated December 1, 2006 at page 7). As discussed above, independent claim 1 is patentable over Deming, Thomas, and Peter. Thus, Applicant asserts independent claim 66 is also patentable over Deming, Thompson, and Peter. Claim 103 depends directly on claim 66 and is allowable for at least the same reason.

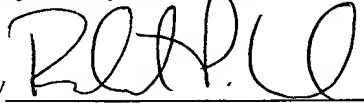
The Examiner asserts independent claims 71 and 87 are rejected under the same rationale as claim 1. (See Office Action dated December 1, 2006 at page 8). As discussed above, independent claim 1 is patentable over Deming, Thomas, and Peter. Thus, Applicant asserts independent claims 71 and 87 are also patentable over Deming, Thompson, and Peter. Claims 88, 104, and 105 depend, either directly or indirectly, from claims 71 and 87, and are allowable for at least the same reasons.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 37202/028001).

Dated: March 1, 2007

Respectfully submitted,

By 

Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant

Enclosures – Partially Initialed PTO-1449 sheet with three references.